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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/843,885 | 04/30/2001 | Manuel Gonzalez | 60006756-1 | 1164 |

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08/06/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT PAPER NUMBER

2674

DATE MAILED: 08/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,885

Applicant(s)

GONZALEZ ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-16 and 24-35 is/are rejected.
- 7) ☒ Claim(s) 1,11-16,24,25 and 27-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: application, filed on 04/30/2001; Amendment A, filed on 07/23/03; and Drawing Amendment, filed on 07/23/03; Amendment B, filed on 01/21/04; RCE and Amendment C, filed on 04/29/04.
2. Claims 1, 4-16, and 24-35 are pending in the case, with claims 1, 11 and 24 being independent.
3. Claims 2-3 are canceled and claims 24-35 are new.
4. The present title of the application is "System and Method for Displaying and Printing Images according to Selected Sizes " (as originally filed).

Claim Objections

5. Claims 1, 11-16, 24, 25, 27-29 are objected to because of the following informalities:
 - a. Claim 1 recites the limitation "the selection" in line 6-7.
 - b. Claim 11 recites the limitation "said selected image" in line 6, 7 and line 9 and limitation "its selected, large format dimension" in line 7-8.
 - c. Claim 12 recites the limitation "said selected image" in line 5 and "their selected dimensions" in line 5-6 .
 - d. Claim 13 recites the limitations "said matt" in line 4, "said selected image" in lines 5 and 7 and "said selected frame" in line 5 and "said selected matt" and "their selected size" in line 7.

- e. Claim 14 recites the limitations "said selected image" in line 5, "said selected mounting background" in line 5-6 and "their selected dimensions and colors" in line 6.
- f. Claim 15 recites the limitations "said selected image" in line 4 and 6, and "said selected mounting background" in line 4-5, "said selected mounting position" in line 7 and "said mounting background" in line 7.
- g. Claim 16 recites the limitation "said selected image" in line 3-4.
- h. Claim 24 recites the limitation "the selected dimensions" in line 3-4 and 5.
- i. Claim 25 recites the limitation "the selected dimensions" in line 2.
- j. Claim 27 recites the limitation "the attributes" in line 1.
- k. Claim 28 recites the limitation "the attributes" in line 1.
- l. Claim 29 recites the limitation "the selected attribute" in line 2-3.

The claim language used in aforementioned claims needs improvement to enhance the clarity of the claims. Examiner suggest applicant to change the "the" or "said" in the aforementioned claims to "a" or "an" to advance the clarity of the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-16, and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,870,771 to Oberg and further in view of US Patent 6,088,138 to Sakai et al. (hereafter "Sakai").
8. Regarding independent claim 1, Oberg disclose in Fig. 1 and in col. 4 lines 35-64 a system comprising input means (ref. # 20 in Fig. 1) for providing input into the system which is connected to a microprocessor (ref. # 22 in Fig. 1) in which the software program (ref. # 26 in Fig. 1) is loaded. The software program loaded on microprocessor is for controlling the input/output means, image processing and analysis, database retrieval and storage. The microprocessor (ref. # 22 in Fig. 1) is connected to one or more output means (ref. # 24 in Fig. 1) which may include a displaying monitor, a printer, storage device or any other peripheral devices able to receive the output from the system.

Oberg disclose in col. 3 lines 43-44 that the system and program allow the modification to the image and also disclose in col. 6 lines 1-5 that attributes like

size or color of the image may be modified, and further disclose in col. 7 line 62-64 that the system allows the updated image to be viewed and displayed.

Although Oberg disclose outputting the image to the printer or other forms of peripheral devices but he does not explicitly disclose a large format printer.

On the other hand, Sakai disclose in col. 12 lines 54-59 and Figs. 1A and 1B a color printer with two cassette trays 735 and 736, and two kinds of recording paper set in the respective cassette trays which are A4-size recording paper set in the upper cassette tray 735 and A3-size recording paper set in the lower cassette tray 735.

It would have been obvious to an ordinary skilled in the art at the time of invention to combine the large format printer of Sakai to the system of Oberg to print images of variable sizes including large-scale images at the user's request in very short time for user's convenience.

9. Regarding dependent claim 4 "the system according to claim 1, wherein said terminal enables the selection of a mounting background for projecting with said selected image." Oberg disclose in col. 3 lines 38-67 "*The image can be modified if desired. There are various display screens that allow the customer to input a request to the system to analyze the color composition of the input and supply images of color-coordinated items, to search the database for coordinating products, to change the configuration of the framing products, and to output data to various output devices. The system is capable of creating a*

composite visual concept of a customer's order and allows the customer to adjust the color, size, width and other characteristics of frames and matting materials until the desired combination is achieved." Selecting a mounting background could be one of the customer' input for projecting with selected image.

10. Claims 5-7 are similar in scope to claim 4 and therefore are rejected under the same rational.

11. Regarding dependent claim 8, Oberg disclose in col. 4 lines 50-54 a software program for controlling the input means and the output means, for image processing and analysis, for database retrieval and storage, and for inventory and accounting functions which is loaded into memory in the microprocessor. Oberg further disclose in col. 3 lines 54-64 a program for providing different information like color analysis, coordinating products, and etc to user.

12. Regarding dependent claim 9, Oberg disclose in col. 4 line 43 and in col. 3 lines 63-67a printer for printing the finished image (selected image).

13. Regarding dependent claim 10, Oberg disclose in col. 4 line 43 and in col. 3 lines 63-67 outputting the image to a printer or other forms of peripheral devices but he does not explicitly disclose a large format printer. On the other hand, Sakai disclose in col. 12 lines 54-59 and Figs. 1A and 1B a color printer with two cassette trays 735 and 736, and two kinds of recording paper set in the

respective cassette trays which are A4-size recording paper set in the upper cassette tray 735 and A3-size recording paper set in the lower cassette tray 735.

It would have been obvious to an ordinary skilled in the art at the time of invention to combine the large format printer of Sakai to the system of Oberg to print images of variable sizes including large-scale images at the user's request in very short time for user's convenience.

14. Claims 11-16 recite method steps performed by the system of claims 1-10; therefore they are similar in scope and rejected under the same rationale.

15. Claims 24-35 recite apparatus for performing the methods claims 11-16; therefore they are similar in scope and rejected under the same rationale.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Faranak Fouladi
Patent Examiner
Art Unit 2674
July 29, 2004


RICHARD HJERPE 8/5/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600